

STAFF REPORT

June 20, 2002

No. 02UR012 - Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating **ITEM 35**

GENERAL INFORMATION:

PETITIONER	Mike Schmitz for the Radisson Hotel
REQUEST	No. 02UR012 - Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating
EXISTING LEGAL DESCRIPTION	The east 450 feet of Tract A of Block 71-72, Lots 25-32, Lots 33-34 (Subd of the south 56.6 feet of Lots 1-6, 56.6 feet x 150 feet) and the vacated alley of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.070 acres
LOCATION	445 Mt. Rushmore Road
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/12/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor establishment and allow for outdoor seating be approved with the following stipulations:

Engineering Division Recommendations:

- 1. The fenced outdoor seating area shall be located entirely on the subject property and in no way impede the pedestrian walkway between the back of the curb on Main Street and the south property line of the subject property;**
- 2. The fence shall be a maximum height of four feet above grade;**
- 3. A right of way permit shall be obtained if any portion of the adjacent sidewalk is obstructed during construction of the fence;**

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Fire Department Recommendations:

4. The outdoor seating shall in no way impede emergency access to the existing structure or hinder emergency access to any firefighting equipment or appliances;

Building Inspection Division Recommendation

5. A Building Permit shall be obtained prior to any construction;

Urban Planning Division Recommendations:

6. That the outdoor on-sale liquor establishment use and outdoor seating shall be restricted to the fenced area;
7. That the applicant shall provide security to check identification of patrons entering the fenced area and to ensure that the consumption of alcoholic beverages occurs only within the fenced area;
8. All provisions of Section 17.50.300, the Landscaping Requirements of the Rapid City Municipal Code shall be continually met; and,
9. That the Conditional Use Permit approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years;

GENERAL COMMENTS: **This item was continued from the June 6, 2002 Planning Commission meeting. (Updates to the staff report are shown in bold.)** The applicant is requesting approval of a Conditional Use Permit to allow an on-sale liquor establishment on the above legally described property. The Radisson Hotel is currently located on the property. The Filly's Restaurant and Pub is located within the Radisson Hotel and is proposing to construct a deck on the south side of the hotel, adjacent to the Main Street right of way. The site plan shows that the deck will be nine feet three inches wide by fifty one feet seven inches long with a 36 inch high railing. The site plan shows that sixteen feet seven inches of sidewalk will remain between the deck and the front of the curb along Main Street.

STAFF REVIEW Staff has reviewed this request with respect to the four criteria established for on-sale liquor establishments identified in Section 17.50.185.

1. The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within five hundred (500) feet radius.

There are no places of religious worship or schools within a 500 foot radius of the subject property. Memorial Park is located to approximately 700 feet north; however, the Omaha Street right of way provides a significant buffer between the on-sale liquor establishment and the park.

2. The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.

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There are no residences located in the general area of the proposed on-sale liquor establishment. The surrounding properties are zoned General Commercial or Central Business District.

3. The proposed use will not create an undue concentration of similar uses, so as to cause "blight, deterioration, or substantially diminish or impair property values."

Staff has identified that several on-sale liquor establishments currently exist in close proximity to the subject property. Murphy's Restaurant and Bar (510 9th Street) is located across from the subject property on the south side of Main Street and The Boot (826 Main) is located to the west of the property within the same block. The Firehouse and Fat Boys (610 Main), Phatty McGees (321 7th Street), The Reef (615 Main), The Brass Rail (624 St. Joseph Street), Botticelli Ristorante (523 Main Street), The Oasis (711 Main Street), Once Upon a Vine (507 6th Street) and the Corn Exchange (727 Main Street) are all located within the downtown area.

4. The proposed use has been reviewed under the Section 17.54.030 (E).

Staff has reviewed the site plan submitted with this request and has asked the applicant to revise the site plan to include landscaping details and provide elevation views of the proposed deck. On May 10, 2002 the applicant submitted the requested elevation views; however, as of May 15, 2002 the revised site plan has not been submitted as requested. **On June 7, 2002 the applicant submitted the requested landscaping plan. Staff has reviewed the landscaping plan and found it to be in compliance with the requirements of the Landscaping Ordinance.**

As of this writing, the receipts from the certified mailings have not been returned. The Use On Review sign has been posted on the property. Staff has received one call regarding this proposal. The caller indicated concern with the proposed outdoor seating and requested that he be notified when the applicant submitted elevation drawings of the proposed deck.